IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12841 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

JITENDRA AMULAKHBHAI MISTRI

Versus

STATE OF GUJARAT

Appearance:

MR JF SHAH for Petitioners

MRS RV ACHARIYA, Ld. AGP for Respondents

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 18/12/2000

ORAL JUDGEMENT

I have heard Mr.J.F.Shah, learned Counsel appearing on behalf of the petitioners. Rule. As directed by this Court, Mrs.R.V.Achariya, Ld.AGP waives service of rule on behalf of the respondents.

The petitioners are aggrieved by the action of seizing certain machineries and tools of the petitioners by the Government in the Forest Department in pursuance of the show cause notices issued on 7-2-1996 and 11-2-1999. The learned Counsel appearing on behalf of the petitioners submitted that while issuing show cause notice on 7-2-1996, the Forest Department Officers seized one machine and thereafter no action has been taken even though the reply has been submitted by the petitioners. Thereafter, another show cause notice was issued by the Forest Department in the Government and in pursuance of the said show cause notice, reply has been submitted by the petitioners and the Authority had heard the petitioners on 10-1-2000 and 24-1-2000 and thereafter no order has been passed by the Authority. The learned Counsel for the petitioners submitted that while issuing show cause notice on 11-2-1999, the Forest Department has seized some machineries and all these are lying in the custody of the Forest Department and the petitioners are not in a position to carry on their business in absence of the machineries and the tools. The learned Counsel for the petitioners submitted that the petitioners only demand an early action be taken by the Authority on he show cause notices, so that they may have their faith and thereafter move the appropriate Authority. I am of the view that the demand of the petitioners seems to be reasonable. Mrs.R.V.Achariya, learned AGP, however, submitted that the Government Authority needs time to decide the proceedings and, therefore, sufficient time may be given to the Authority to decide the proceedings against the petitioners. Since one matter is pending from February, 1996 and in another matter, the Authority has already heard the petitioners twice during January, 2000 I am of the view that the matter requires an early disposal. Therefore, the Respondent No.2, the Deputy Conservator of Forest, Rajpipla East, Rajpipla, Dist. Narmada, is directed to dispose of both the proceedings against the petitioners within a period of six weeks from the date of receipt of this order. The petitioners may file a copy of this order to the respondent No.2.

With the aforesaid observations and directions, the petition is disposed of. Rule is made absolute to the aforesaid extent. I make no order as to costs. Direct service is permitted.

18-12-2000 (P.K.Sarkar, J.)

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